

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 4, 2003

DIVISION ONE

B171121 Patrick Bensimon (Certified for Publication)

v.
Superior Court, Los Angeles County
(Tarrant Apparel Group, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

DIVISION TWO

B166163 People (Not for Publication)

v.
Treadway

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B164911 Los Angeles County, D.C.S. (Not for Publication)

v.
Jeanette L.

The orders appealed from are affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

December 4, 2003 (Continued)

DIVISION TWO (Continued)

B164544 People v. Vasquez (Not for Publication)

The Court:

The judgment is affirmed.

Nott, Acting P.J., Doi Todd, J., Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B157656 People (Not for Publication)
v.
Waring

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION FOUR

B163227 Kirakosian (Not for Publication)

v.
Hairapetian

The judgment is reversed. Then denial of summary judgment and summary adjudication is affirmed. The case is remanded to the superior court for proceedings consistent with this opinion. Each party is to bear its own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B163970 Galdjie (Certified for Publication)

v.
Darwish, et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B162488 People (Not for Publication)

v.
Burris

The judgment is modified by striking one of the two five-year enhancements imposed pursuant to Penal Code section 667, subdivision (a)(1). In all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

December 4, 2003 (Continued)

DIVISION FOUR (Continued)

B163966 People (Certified for Publication)
v.
Johnston

The judgment is reversed and the case if remanded to the trial court with instructions to reinstate the verdict rendered by the jury and to impose sentence accordingly.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B160431 People (Not for Publication)
v.
Medellin

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B163940 People v. Shawn Dierolf

B166268 People v. Jonathan H.

B166558 DCFS v. Marvin Y.

Argument waived, cause submitted.

B162056 Rooftop Management and Consulting
 v.
 Regency Outdoor Advertising, Inc.

Merits:

Argued by Gerald Philip Peters for appellant and by M. Alim Malik for respondent. Cause submitted.

B164944 People
 v.
 Anthony Wayne Tatum

Merits:

Argued by Matthew D. Alger for appellant and by Corey J. Robins, Deputy Attorney General for respondent. Cause submitted.

B165578 People
 v.
 Ronald Ferra Martinez

Merits:

Argued by Robert E. Boyce for appellant and by Allison Chung, Deputy Attorney General for respondent. Cause submitted.

DIVISION FIVE (Continued)

B169072 Charles Gold, et al.
v.
Richard E. Gold, et al.

Merits:

Argued by Shirley M. Hufstedler for appellant and by David Elson for respondent. Submission deferred until December 18, 2003. Parties allowed to file additional documents.

B165781 People
v.
Armando Lopez

Merits:

Argued by Robert K. Steinberg for appellant and by Herbert S. Tetef, Deputy Attorney General for respondent. Cause submitted.

B170062 Helen H.
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Merits:

Argued by Marilyn Sipes for petitioner and by Kenneth E. Reynolds, DCC for real party in interest. Cause submitted.

B164177 Kathy Kaze et al.
v.
Victor Jimenez

Merits:

Argued by Mark E. Mahler for appellants and by David Coleman for respondent. Cause submitted.

Court recessed.

Court reconvened at 12:00 P.M.

December 4, 2003 (Continued)

DIVISION EIGHT (Continued)

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk, Deputy Clerk.

Each of the following:

B162366 People Arcelia Chaves
B165938 DCFS v. Thomas S.
B167642 DCFS v. Jennifer D.
B165027 People v. Deitrick R.
B164059 People v. Khayyan Duvall

Argument waived, cause submitted.

B162231 Brian E. Claypool
 v.
 Robert J. Rogers

Merits:
Argued by Brian E. Claypool, appellant in propria persona for and by
Matthew R. Rungaitis for respondent. Cause submitted.

Court adjourned.

B170512 Craig Mobley
 v.
 Ernestine Wilson

Filed order granting motion to dismiss appeal. Appeal (notice of appeal
filed September 29, 2003) dismissed.

December 4, 2003 (Continued)

DIVISION SIX

B164797 Service Employees International Union. Local 998 (Not for Publication)

V.
Ventura Co. Superior Court

The judgment is affirmed. Costs to Local 998.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

I concur: Coffee, J.
I concur: Perren, J. (opinion)

B165485 People v. Pickett (Not for Publication)

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B158972 Seminis, Inc. (Not for Publication)
 v.
 Schmidt, et al.

The case is remanded for a recalculation of attorneys' fees and costs consistent with the views expressed in this opinion. In particular, the court shall (1) delete those attorneys' fees attributable solely to McClish's defense against Seminis' complaint; (2) determine and delete those attorneys' fees attributable solely to the prosecution of Schmidt's cross-complaint for libel; and (3) delete the \$51,489.10 in non statutory costs previously awarded to Owens, Ouyang and McClish. The judgment is otherwise affirmed. The parties shall bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B160752 People (Not for Publication)
 v.
 Penny

The trial court is ordered to correct the abstract of judgment to reflect a total term of 25 years to life plus 25 years and to forward the amended abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B167041 Chambers
 v.
 Chambers

Filed order denying petition for rehearing.

December 4, 2003 (Continued)

DIVISION SEVEN

B165688 Dawodu
v.
Davis

Filed order denying petition for rehearing.

DIVISION EIGHT

B162649 Gurrola (Not for Publication)
v.
The Pep Boys-Manny, Moe and Jack of California, et al.

For the reasons stated, we reverse the summary judgment in this case and remand to the trial court for further proceedings with respect to issues other than sexual harassment. Appellant is to recover her costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B164380 Los Angeles County, D.C.S. (Not for Publication)
v.
Brandie M.

The order denying the petition for modification and terminating the parental relationship are affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.